

WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP  
 ANTHONY R. TWARDOWSKI (admitted *pro hac vice*)  
 MICHAEL B. CAVADEL (admitted *pro hac vice*)  
 1650 Arch Street, 22nd Floor  
 Philadelphia, PA 19103  
 Telephone: (215) 977-2042  
 Facsimile: (215) 405-2942

\*\*E-filed 12/12/06\*\*

MORGENSTEIN & JUBELIRER LLP  
 JEAN L. BERTRAND (Bar. No. 83250)  
 WILSON K. PARK (Bar No. 239527)  
 One Market, Spear Street Tower, 32nd Floor  
 San Francisco, CA 94105  
 Telephone: (415) 901-8700  
 Facsimile: (415) 901-8701

Attorneys for Plaintiff and Specially-Appearing  
 Counter-Defendant M. DIANE KOKEN

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

M. DIANE KOKEN,  
 Plaintiff,

v.

STATECO INC. d/b/a STATECO INSURANCE  
 SERVICES and THOMAS NATOLI, and XYZ  
 CORPS. 1-10, and DOES 1 through 10, inclusive,  
 Defendants.

Case No.: 5:05-CV-03007-JF

**FIFTH STIPULATION AND  
 [PROPOSED] ORDER  
 EXTENDING PLAINTIFF AND  
 SPECIALLY-APPEARING  
 COUNTER-DEFENDANT M.  
 DIANE KOKEN'S TIME TO  
 RESPOND TO AMENDED  
 COUNTERCLAIM**

AND RELATED CROSS-ACTION

Defendants and Counter-Claimants Stateco Inc., doing business as Stateco  
 Insurance Services, and Thomas Natoli (collectively "Stateco") and Plaintiff and  
 specially-appearing Counter-Defendant M. Diane Koken, ("Koken") by and through their  
 undersigned counsel, hereby stipulate as follows:

1. WHEREAS Stateco filed an amended counterclaim on May 2, 2006;
2. WHEREAS Koken and Stateco previously stipulated to extend the time for  
 Koken to respond to the amended counterclaim;

1           3.     WHEREAS Stateco wishes to continue settlement negotiations with Koken  
2 and the Mutual Companies;

3           4.     WHEREAS the extension requested by Koken will not affect any court-  
4 ordered deadlines; and

5           5.     WHEREAS Koken may appear to file this stipulation without prejudice to  
6 any motion to dismiss it may choose to file;

7           IT IS PROPOSED AND STIPULATED:

8           The date set for Koken to respond to Stateco's amended counterclaim will be  
9 extended from December 15, 2006 to February 1, 2007.

10          IT IS SO STIPULATED.

11  
12         DATED: December 8, 2006

BERLINER COHEN

13  
14         By Laura Palazzolo  
15             Laura Palazzolo  
16             Attorneys for Defendants and Counter-  
17             Claimants STATECO INC., dba STATECO  
              INSURANCE SERVICES and THOMAS  
              NATOLI

18         DATED: December 8, 2006

MORGENSTEIN & JUBELIRER LLP

19  
20         By Wilson K. Park  
21             Wilson K. Park  
22             Attorneys for Plaintiff and Specially  
23             Appearing Counter-Defendant M. DIANE  
24             KOKEN  
25  
26  
27  
28

MORGENSTEIN & JUBELIRER LLP  
ATTORNEYS AT LAW  
SAN FRANCISCO

04056.00003  
640893.1

IT IS SO ORDERED

DATED: 12/11/\_\_\_\_\_, 2006

By   
Hon. Jeremy Fogel  
United States District Court Judge

MORGENSTEIN & JUBELIRER LLP  
ATTORNEYS AT LAW  
SAN FRANCISCO